

Thursday, October 16, 2008
Coalition on Illegal Immigration
Sixth Meeting
DCAT, Culpeper

Call to order – 12:35 p.m.

Chairman DeBenedittis, Handed out Meeting Agenda
and copies of Resolution of Town of Herndon dated October 14, 2008 – revised 2009
Legislative program - proposing legislation concerning vehicle impoundment, harboring
or concealing illegal aliens and requiring employers to use e-verify and to allow
municipalities to regulate or prohibit day workers.

Chairman Steve DeBenedittis said that this meeting would be similar to the last working
on the legislative agenda to decide what is most important and to prepare for the press
conference in Richmond at beginning of legislative session in January so the Agenda is
similar to the last one - still working on legislative agenda.

The Resolution was modified to include e-verify and was passed this week by the Town
of Herndon.

1. Current Law –

A. HB 470 Loitering - no loitering on bridge or highway rights-of-way has been passed
for cities and towns. It is a traffic infraction. Definition of *loitering* and *highway* could
be a problem in court.

Chief Barlow – it is also difficult to define *public safety hazard*. Many cities and towns
have ordinances preventing the blocking of sidewalks. Stopping or impeding traffic (to
pick up workers) would be illegal and enforceable.

Chris Snider – definitions should be the same across the state and so universally
enforceable.

Corey Stewart (Prince William County Chairman-at-Large and visiting rather than
representing his Board) – why not reword to prohibit loitering on any public bridge or
highway right of way which would eliminate determination of safety hazard.

B. Reports on alien status of jail and correctional facility inmates.

Chairman Steve – this passed but how well is it being implemented? No correctional
facility in Herndon. Chief Barlow – in Culpeper, he, the Sheriff and Commonwealth's
Attorney work together and each can do an ICE form, so can get three forms on one
person.

However, federal officials do not pick them up unless they are serious criminals - ICE
does not have the resources.

Corey Stuart – identifying illegals is different from using 287G where they are turned
over.

Frank Bossio – we looked at 287G - if every jail in Virginia had 287 G, officers trained,
and capability to ask questions car side, it would be uniformly enforced but only 40
agents in whole state. Isn't the real key to change how we do business in whole country.
We can all enforce federal laws, do not need special ICE person. Discriminating between

ICE and regular enforcement officer does not make sense - empower all enforcement officers, eliminate choke point of qualified people and facilities.

Chief Barlow – the only state law we can enforce is illegal re-entry which is a charge under state code. To enforce any federal law would have to be certified by that agency – DEA, Immigration etc. Then the Town Police would have to put them in the Sheriff's jail in which there is now not enough room for regular prisoners. The jail in which there is no room would have to be certified and space would have to be made. The County would have to get a lot of money to certify agents, jail and also build up the jail.

Chris Snider – MOU with ICE to be picked up in 36 hours.

Corey Stewart – glad to set the record straight. Now in Prince William they are actually, within picking up more promptly 24-48 hours because of public pressure. There are now TWO pickups per week.

In Prince William illegals began leaving out of fear. All state should go for 287G – allows arrest of anyone in country illegally without 287G full custodial arrest is required to ask for proof of legal residency.

Chris Snider – probably can't release them without direction from ICE.

Farmville has 1000 beds – private facility for ICE detainment.

Frank Bossio– with new state budget cuts to make up deficit over next few years we will lose money to current prison system without taking on any new programs.

Corey Stewart – we should have ICE-specific detention center. Unlike regular jail it does not need a lot of support such as rehabilitation, or security.

Chief Barlow– this would give smaller locations more motivation – would not stress regular facilities.

Chairman DeBenedittis – It would be good to strengthen use of 287G without impacting localities' regular facilities.

Chief Barlow - what good is 287G? If a person commits a crime we jail them and once in full custodial arrest, ICE comes in so don't need 287G. It helps in jail for access to database or to round up those on whom you have no other charges, but anyone breaking a state law can be arrested without 287G. Once in jail there is database access. Further, the Chief can call and ICE will pick up.

Corey Stewart – in Prince William 287G is used if a person is known to be bad but it has another use – PERCEPTION has changed whole community. Perception works both ways, the public expects 287G to solve problems, but immigrants will leave if they think you are cracking down. This is a very powerful weapon which can't be dismissed.

Chairman DeBenedittis - correctional facilities are focus.

John McCarthy - Rappahannock is smallest jail in State and officers can't be spared for training. However, illegals will not come to Rappahannock. ICE is very short of resources and will deal with biggest problems first such as PW.

2. Legislative Agenda proposals

Illegal Aliens

A. E-Verify – Herndon added this to their legislative Agenda. It is a free program. Chairman DeBenedittis hopes it is easy to use so that one could visit the website after completing the I-9 form and he hopes Herndon will set the example to use it. Minnesota uses it. Arizona uses it and Mississippi is considering its use. The state could mandate its use – all government employees, contractors and subcontractors, or all employers. He will break it down into two types.

B. Human trafficking – make it state level offense. Chairman DeBenedittis said we want to go at the demand. It is wrong to profiteer using other humans.

Corey Stewart said the Coalition should focus on those things which will make a difference. If five or ten proposals are put forth a few lower level items might be passed and the major ones be overlooked. Also, the press will not pay any attention if one of ten are stuck in committee, but the pressure is on if you have only a few items.

Chairman DeBenedittis noted that this was a great point – focus.

Chief Barlow – a lot of bills overlap, you want a few and to coordinate with rest of state.

Corey Stewart – craft a proposal with a few items and carefully choose a sponsor within the legislature.

Larry Aylor - streamline and prioritize.

Chief asked ICE to do a run in Culpeper, got enough to cast a net to gather illegals but you have to have a good relationship with ICE not just call on any issues.

Steve DeBenedittis – law enforcement and employment can filter for illegals but the area of housing is too difficult to enforce.

Larry Aylor– there are whole sections where illegals are housed – it would seem to be easy.

Randy Jacobs (Vienna Citizens Group) – can't house owners be licensed for rentals, go after those owners housing illegals.

In Herndon Chairman DeBenedittis said owners don't really want overcrowded housing.

Hazleton, PA – got into trouble.

Randy Jacobs– can control business licenses and take punitive action. Arrest employers not the illegals.

Corey Stewart - whatever the Coalition proposes, must make sure the bill if passed, would stand up in court.

Chairman DeBenedittis – the issue of housing is too difficult for the Coalition but government must make sure housing safe and healthy for all, it is not just a matter for illegals, overcrowding can cause fires and fatalities. Overcrowding is an enforceable issue.

C. Licensing Day workers – localities can enforce this. This is one the Coalition should not include in a pared down list.

D. Other – Chairman DeBenedittis - are there other issues or should we focus such as on e verify? Does every locality prepare a legislative agenda. Everyone affirmed.

Discussing the Legislative Agenda for the Coalition, Chairman DeBenedittis -
E-Verify- divide into two groups

Loitering – tune this proposal – loitering affects some localities more than others
Should we keep human trafficking?

Corey Stewart recommended - focus on one thing. Check on problems and issues with E-Verify. We don't want to give a bill that is easy to strike down or hard to enforce in court, need a strong bill - no excuse not to support. Focus on one or two bills - Drop loitering.

Chairman DeBenedittis – Herndon got rid of those congregating at 7-11 - trespassing on private property.

Larry Aylor– make it tougher and inconvenient - look at drivers licenses.

Have a license for day laborers so they can work legally to better themselves and support their families but put pressure on those who here illegally. They should not be driving without training or license.

Public Safety –

No Operators License – Training and licensing should be required of all residents, whether legal or illegal. Chairman DeBenedittis - If you drive without valid license this is same as driving with revoked or suspended license - arrest and fingerprint them.

Exclude drivers under 18 and those who failed to renew for a year or even two.

Chris Snider– no automatic permits, all should qualify in Virginia.

John McCarthy – Federal law would preclude asking those licensed in another state to start over to qualify in Virginia. Discussion followed - there have been recent changes and this could be checked. Also, there is reciprocity among the states.

There are two issues here, legal residency and meeting legal requirements to drive.

Chairman DeBenedittis – need to sharpen up and make sure this proposal is not rolled up in anything more punitive to prevent its passing. He would want to impound any car involved even if not the property of the driver – the owner is responsible to check licensing before lending to another driver.

Federal law prohibits use of E-Verify for anything other than employment.

Chairman DeBenedittis - we will look into licensing drivers, but not as a Coalition item

Next Meeting – December 11 at 12:30 p.m. at Daniel Tech Center, 18121 Technology Drive, Room 221, Culpeper.

January 15, 2009 at 8:30 a.m. Meeting and Press Conference in Richmond.

Roundtable – any thing? Publication of American Legion – excellent – handed out several copies.

Corey Stewart– press attention for Jan 15 - consider summit of leaders in commonwealth, reach out to localities outside the area.

Chairman DeBenedittis -sent email to all Counties and Towns to invite to next meeting.

Corey Stewart– arrange early enough, plan ahead to be there in Richmond, invite representatives from the whole Commonwealth. Have summit.

Connie next meeting – we will come with proposed legislative agenda.

Adjourned: 2:00 p.m.

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